

### **REMARKS**

Claims 1 – 17 were pending in this application.

Claims 8- 14 were restricted.

Claim 1 – 7 and 15 – 17 were rejected.

Claims 1, 3, 5, 8, 9, 10 and 15 were amended.

Claims 2, 4, 14, 16 and 17 are deleted.

### **L. 35 USC 102(b) Rejections**

**Claim 1, 2, 4, 5 and 15-17 were rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 5,414,957 to Kenney.**

The rejected claims include two independent claims, which are Claim 1 and Claim 15. These claims have been amended and are believed to be clearly distinguishable over the cited prior art references, as is explained below.

#### **Claim 1**

Claim 1 sets forth a reusable floral arrangement assembly. The claimed assembly has a water impermeable tray. A continuous side wall extends upwardly from the top surface of the tray, thereby defining an area that can hold a small volume of water.

A disposable foam structure is provided that sits on the top surface of the tray inside the continuous side wall. A grid work is provided that extends over the foam structure. The grid work has an open bottom edge that can be selectively attached to the continuous side wall with a snap connection. The grid work envelopes the foam structure and holds the foam structure in a set position on the tray. Furthermore, the grid work demarcates the foam structure into a plurality of evenly distributed areas. In this manner, the grid work can be used to space flowers as the flowers are inserted into the foam structure.

After use, the used foam structure can be removed from the assembly by detaching the grid work from the continuous wall of the tray. The foam structure can then be replaced with a

new foam structure and the assembly reused.

**The Kenney patent** shows a bouquet holder. The Kenney bouquet holder has a base, a grid work and a foam structure. However, in the Kenney patent, the grid work cannot be selectively attached and detached from the base. Rather, the Kenney patent specifically teaches away from the present invention by stating that the cage (20) is attached to the cap (12) by adhesive. See Kenney, column 2, line 32.

As such, it is clear that the Kenney patent, the grid work is not intended to be removed from the tray. Thus, the foam structure cannot be replaced.

As applied directly to the specific wording of Claim 1, it is clear that the Kenney patent does not disclose a tray having a continuous side wall. The Kenney patent does not disclose a grid work having an open bottom edge that can be selectively attached to a continuous side wall. Lastly, the Kenney patent does not disclose a grid work that attaches to another object with a snap connection.

Since the Kenney patent does not show the structure being claimed, it is clear that the Kenney patent does not anticipate the elements of Claim 1 or its dependent claims.

The Examiner is therefore respectfully requested to withdraw the 35 USC 102 rejection as applied to Claim 1 and its dependent claims.

#### Claim 15

**Claim 15** sets forth a method of creating a floral arrangement. In the claimed methodology, a tray is provided, as is a foam structure and a grid work. A continuous wall extends upwardly from the top of the tray. The grid work can be selectively and repeatedly attached and detached from the continuous wall on the tray. The foam structure is placed on the tray. The grid work is attached to the continuous wall of the tray over the foam structure. As such, the grid work holds the foam structure in a set position and demarcates areas of equal size on the foam structure.

As has been previously stated, the Kenney patent does not disclose a flower arrangement

device where the grid work can be selectively removed and attached to a tray. Thus, the Kenney patent fails to disclose any structure capable of performing the methodology being claimed. The Examiner is therefore respectfully requested to withdraw the 35 USC 102 rejection as applied to Claim 15 and its dependent claims.

## **II. 35 USC 103(a) Rejections**

**Claim 3 has been rejected under 35 USC 103(a) as being unpatentable over Kenney in further view of U.S. Patent No. 3,336,697 to Davis.**

Claim 3 depends from Claim 1. The matter of Claim 1 is distinguishable over the Kenney patent for the reasons previously presented.

**The Davis patent** is cited to show a floral arrangement with an upwardly extending prong. However, the Davis patent makes no disclosure of a grid work that selectively attaches to wall on a tray. Thus, the Davis patent does not address the deficiencies of the Kenney patent as applied to Claim 1. The combination of the Davis patent and the Kenney patent therefore does not disclose the matter of Claim 1. Claim 3 is therefore believed to be allowable since it depends from, and further defines, an allowable base claim.

**Claims 6 and 7 were rejected under 35 USC 103(a) as being unpatentable over Kenney in further view of U.S. Pub US 2003/0136049 to Ghiotti.**

Claim 6 and Claim 7 depend from Claim 1. Claim 1 is distinguishable over the Kenney patent for the reasons previously presented.

**The Ghiotti patent** is cited to show a bouquet holder where the handle support can be selectively detached from the bottom of the holder. However, the Ghiotti patent makes no disclosure of a grid work that selectively attaches to continuous wall on a tray with a snap connection. Thus, the Ghiotti patent does not address the deficiencies of the Kenney patent as

applied to Claim 1. The combination of the Ghiotti patent and the Kenney patent therefore does not disclose the matter of Claim 1. Claim 3 is therefore believed to be allowable since it depends from, and further defines, an allowable base claim.

### **III. NEW CLAIMS**

Claims 8-14 are to be newly considered.

Claim 8 is an independent claim that sets forth a floral arrangement. The floral arrangement has a tray, wherein a continuous wall extends upwardly from the top surface of the tray. The continuous wall and top surface of the tray define an area capable of retaining a predetermined volume of water. A grid work is provided that extends over the foam structure. The grid work engages the continuous wall with a mechanical connection, wherein grid work conforms to an internal foam structure and demarcates the foam structure into a plurality of evenly distributed areas.

As has been explained, none of the prior art references cited contain a floral arrangement device that has a continuous wall that extends upwardly from a tray and a grid work that engages that continuous wall. The cited prior art therefore fails to disclose or suggest the structure claimed in Claim 8 or its dependent claims.

### **IV. DRAWINGS**

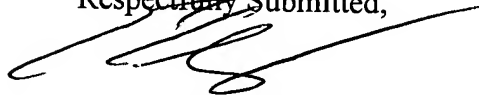
The drawings filed with the original application were informal. Formal drawings will be filed upon receipt of the Notice of Allowance for this application.

### **V. SUMMARY**

Having fully distinguished the pending claims over the cited art, this application is believed to stand in condition for allowance. However, if the Examiner is of the opinion that such action cannot be taken, the Examiner is requested to call the applicant's attorney at (215)

321-6772 in order that any outstanding issues may be resolved without the necessity of issuing a further Office Action.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Eric A. LaMorte', written over a horizontal line.

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